

REMARKS/ARGUMENTS

In the present Office action, claims 1 and 4-7 were examined. Claims 4-7 were withdrawn from consideration. Claim 1 was rejected. Claims 4-7 are amended herein. Claims 1 and 4-7 are believed to be in condition for allowance.

Response to Amendment

The examiner noted that newly submitted claims 4-7 were directed to an invention that is independent or distinct from the invention as originally claimed. Specifically, the examiner noted that original claims 1-3 were directed to a method whereas claims 4-7 were drawn to a "business" method. As a result, the examiner withdrew from consideration claims 4-7 for being directed to a non-elected invention.

Applicant respectfully disagrees with the examiner's characterization of claims 4-7. Claim 4 does in fact contain the word "business". However, with the exception of the inclusion of the word "business", the preamble of claim 4 is identical to that of claim 1. The inclusion of the word "business" was of no significance to the meaning or the scope of claim 4. As is obvious and evident from reading claim 4, claim 4 as directed to a method identical in nature to that of claim 1. Claim 4 has been amended herein to remove the offensive word "business". Applicant therefore respectfully requests reconsideration of claim 4 by the examiner. Claims 5-7 have been amended to recite a "method" in place of a "system". No new matter has been added. As a result of these amendments, Applicant likewise requests reconsideration of claims 5-7.

Claim Rejections under 35 U.S.C. 103

The examiner rejects claim 1 as being unpatentable over Clark (6,351,738 B1) in view of Tseng (5,631,536).

The Examiner notes at length that which Clark discloses while noting that Clark fails to explicitly teach the steps of establishing the business with business partners, offering the services of reprocessing chargeable accumulators or battery packs and services associated with it, a product database comprising data selected from the group consisting of battery power devices, producers, technical data, kinds of accumulators or battery packs or single cell technical data, and prices, and controlling the processing of service stations that are given back to said financial office by service station business partners. The examiner further notes that Tseng teaches the steps of offering the services of reprocessing chargeable accumulators or battery packs and services associated with it. The examiner concludes by noting that it would have been obvious to one skilled in the art to combine the teachings of Tseng with the invention of Clark. The examiner then proceeds to take official notice of the fact that all remaining elements contained in claim 1 but not taught or suggested by either Tseng or Clark, would simply be old and well known in the art.

Applicant respectfully disagrees with the examiner's grounds for rejection. There is nothing in the art or in the official notice taken by the examiner to teach or suggest the advantage provided by a product database which is supplied with data by a central service office, and therefore forms a centralized repository of database information. Most importantly, it is not enough to say that Clark and Tseng can be combined with elements of which there is taken official notice in order to teach or suggest all of the elements of claim 1.

Rather, it is necessary to show that either Clark or Tseng, taken alone or in combination, teach or suggest each and every element of claim 1 as recited herein as well as provide a motivation to combine. There is quite simply nothing in Clark or Tseng, taken alone or in combination, to teach or suggest combining the service structure of the present invention directed to the subject matter of reprocessing chargeable accumulators and battery packs utilizing a centralized repository of data as is recited in claim 1 of the present application. As a result, Applicant therefore maintains that neither Clark nor Tseng, taken alone or in combination, teach or suggest the central elements of claim 1. Claim 1 is therefore believed to be in condition for allowance.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

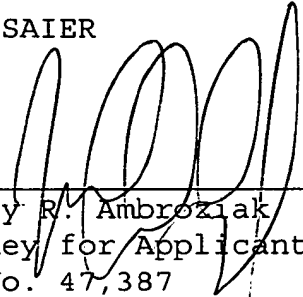
It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

Applicant encloses herewith a check in the amount of \$420.00 to cover the fee for filing a two (2) month extension of time request.

If any additional fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

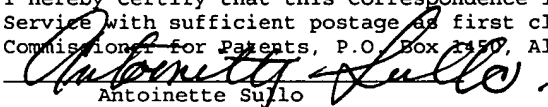
Respectfully submitted,

FRANK SAIER

By   
Jeffrey R. Ambrozziak  
Attorney for Applicant  
Reg. No. 47,387  
Tel: (203) 777-6628  
Fax: (203) 865-0297

Date: May 5, 2004

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Mail Stop AF, Commission for Patents, P.O. Box 4450, Alexandria, VA 22313" on May 5, 2004

  
Antoinette Sully